

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59823 of 2023

Arising Out of PS. Case No.-193 Year-2023 Thana- NAUGACHIA District- Bhagalpur

1. SADANAND SINGH SON OF LATE FAHIM SINGH RESIDENT OF VILLAGE- SRIPUR AMGHATTA PS- NAUGACHIA, DISTT- BHAGALPUR
2. DEEPAK SINGH @ DEEPAK KUMAR SON OF SADANAND SINGH RESIDENT OF VILLAGE- SRIPUR AMGHATTA PS- NAUGACHIA, DISTT- BHAGALPUR
3. LADDU KUMAR SON OF SADANAND SINGH RESIDENT OF VILLAGE- SRIPUR AMGHATTA PS- NAUGACHIA, DISTT- BHAGALPUR
4. ROHIT SINGH @ ROHIT KUMAR SON OF SADANAND SINGH RESIDENT OF VILLAGE- SRIPUR AMGHATTA PS- NAUGACHIA, DISTT- BHAGALPUR
5. NIRAJ KUMAR SON OF SADANAND SINGH RESIDENT OF VILLAGE- SRIPUR AMGHATTA PS- NAUGACHIA, DISTT- BHAGALPUR
6. MINA DEVI WIFE OF SADANAND SINGH RESIDENT OF VILLAGE- SRIPUR AMGHATTA PS- NAUGACHIA, DISTT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-10-2023 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Naugachia P.S. Case No. 193 of 2023 for the offence registered under sections 147, 341, 323, 307 and 506 of the Indian Penal Code lodged on 12.06.2023 by the informant Sadanand Singh.



3. As per the prosecution story, the allegation is that while the parents of the informant were measuring land, the accused persons came armed variously and it is alleged that while petitioner no. 5, Niraj Kumar and one Rohit Kumar caught him, petitioner no.2, Dipak Singh assaulted with '*iron road*' on his head causing serious injury. Sadanand Singh gave '*lathi*' blow while Laddu Kumar gave '*iron rod*' blow to his mother who was caught by petitioner no. 6, Meena Devi. The allegation of outraging his modesty is also there. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that they are agnates and unnecessary dragged in the matter and there is case and counter case between the parties. He further submits that so far as the allegation of assault on the head is concerned, no such injury was found.

5. Mr. Jitendra Kumar Singh, learned APP opposes the prayer for bail stating that there is specific allegation against the petitioner no. 2 Deepak Singh @ Deepak Kumar of causing injury on the head of the informant's father. He further submits that allegation against the petitioner no. 1 Sadanand Singh is also of assaulting by '*lathi*' on the shoulder. Though allegation of assault on the head is concerned, the fact remains that just



below the head, the injuries have been found as has been incorporated in the order of the learned Single Judge.

6. Taking into account the aforesaid facts, so far as petitioner no.1 and 2, namely, Sadanand Singh and Deepak Singh @ Deepak Kumar respectively are concerned, their anticipatory bail application stands rejected.

7. So far as the petitioner nos. 3,4,5 & 6 namely, Laddu Kumar, Rohit Singh @ Rohit Kumar, Niraj Kumar and Meena Devi respectively are concerned, considering that allegations them is/are of having caught the informant as also omnibus allegation of assault and further none of them have criminal antecedent, this Court is inclined to grant them privilege of anticipatory bail.

8. Let the petitioner nos. 3,4,5 & 6 namely, Laddu Kumar, Rohit Singh @ Rohit Kumar, Niraj Kumar and Meena Devi in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st Bhagalpur in connection with Naugachia P.S. Case No. 193 of 2023, subject to condition as laid down under Section 438(2)



of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

9. With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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